
By: **Senators Middleton, Dyson, and Teitelbaum**
Introduced and read first time: February 26, 2003
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Health Care Commission - Hospice Care - Prohibition**

3 FOR the purpose of prohibiting the Maryland Health Care Commission from granting
4 a person that operates a hospice care program a statewide certificate of need or
5 authority to operate the hospice care program statewide through a Commission
6 ruling or determination; requiring the Commission to review certain rulings and
7 determinations for a certain purpose; and generally relating to the Maryland
8 Health Care Commission and hospice care programs.

9 BY repealing and reenacting, without amendments,
10 Article - Health - General
11 Section 19-101
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 19-906
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Health - General**

22 19-101.

23 In this subtitle, "Commission" means the Maryland Health Care Commission.

24 19-906.

25 (a) To qualify for a license, an applicant and the hospice care program and its
26 medical director shall meet the requirements of this section.

1 (b) An applicant who is an individual, and any individual who is applying on
2 behalf of a corporation, association, or government agency shall be:

3 (1) At least 18 years old; and

4 (2) Of reputable and responsible character.

5 (c) (1) Except for a limited licensee, the applicant shall have a certificate of
6 need, as required under Subtitle 1 of this title, for the hospice care program to be
7 operated.

8 (2) THE COMMISSION MAY NOT GRANT A PERSON THAT OPERATES A
9 HOSPICE CARE PROGRAM:

10 (I) A STATEWIDE CERTIFICATE OF NEED; OR

11 (II) AUTHORITY TO OPERATE THE HOSPICE CARE PROGRAM
12 STATEWIDE THROUGH A COMMISSION RULING OR DETERMINATION.

13 (3) The hospice care program to be operated and its medical director
14 shall meet the requirements that the Secretary adopts under this subtitle.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Health
16 Care Commission shall review each of its rulings and determinations that, prior to
17 the effective date of this Act, granted authority to operate a statewide hospice care
18 program to ensure that the program continues to serve only those individuals who,
19 immediately prior to entering the hospice care program, were receiving other care
20 from a facility directly affiliated with the hospice care provider or within the hospice
21 care provider's network.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2003.